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EXTRAORDINARY

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PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF COMMERCE

NOTIFICATIONS

New Delhi, the 17th December 1966

S.O. 3880.—Whereas the Central Government is of opinion that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), paints and allied products should be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below in supersession of the proposals published in the notification of the Government of India in the Ministry of Commerce No. S.O. 482, dated the 9th February, 1966 for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government publishes the said proposals for information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within thirty days of the date of publication of this notification to the Export Inspection Council, World Trade Centre, 14/1-B, Ezra Street (7th floor), Calcutta-1.

(1703)

PROPOSALS

(1) To notify that paints and allied products shall be subject to quality control and inspection prior to export;

(2) To specify the type of quality control and inspection in accordance with the draft Export of Paints and Allied Products (Quality Control and Inspection) Rules, 1966 set out in the Annexure to this notification as the type of quality control and inspection which would be applied to such paints and allied products prior to their export;

(3) To recognise—

- (a) the specifications of the export contract as agreed upon between the buyer and the seller.
- (b) in the absence of any specifications as mentioned in sub-item (a), the relevant specifications issued by the Indian Standards Institution as the standard specifications for paints and allied products;

(4) To prohibit the export, in the course of international trade, of such paints and allied products unless the same are accompanied by a certificate issued by any of the Export Inspection Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that such paint and allied products are export-worthy.

3. Nothing in this notification shall apply to the export by land, sea or air of samples of paints and allied products to prospective buyers.

4. In this notification, 'paints and allied products' shall mean—

- (i) ready-mixed paints and enamels of all types, namely, primers, under-coating and finishing;
- (ii) varnishes (prepared from natural resins or synthetic resins or both) used for under-coating and finishing or for electrical insulation;
- (iii) plastic emulsion paints prepared from dispersion or emulsion of synthetic resins in water with other ingredients; and
- (iv) nitro-cellulose lacquers, clear or pigmented, meant for under-coating or finishing.

ANNEXURE

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

1. **Short title and commencement.**—(1) These rules may be called the Export of Paints and Allied Products (Quality Control and Inspection) Rules, 1966.

(2) They shall come into force on the 1st February, 1967.

2. **Definition.**—In these rules, unless the context otherwise requires,—

- (a) 'Agency' means any one of the Export Inspection Agencies established at Cochin, Madras, Calcutta, Bombay and Delhi under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963),
- (b) 'Paints and allied products' shall mean
 - (i) ready-mixed paints and enamels of all types, namely, primers, under-coating and finishing;
 - (ii) varnishes (prepared from natural resins or synthetic resins or both) used for under-coating and finishing or for electrical insulation;
 - (iii) plastic emulsion paints, prepared from dispersion or emulsion of synthetic resins in water with other ingredients; and
 - (iv) nitro-cellulose lacquers, clear or pigmented, meant for under-coating or finishing.

3. **Quality control and inspection.**—(1) The quality of the paints and allied products aforesaid shall be ensured by means of exercising the following controls, at different stages of their manufacture together with the levels of control as given in the Schedule to this notification, namely:—

- (i) **purchase raw materials Control.**—(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of raw materials to be used

- (b) The accepted consignments shall be either accompanied by the supplier's test or inspection certificate corroborating the requirements of the purchase specifications, in which case occasional checks at least once in ten consignments shall be conducted by the purchaser for a particular supplier to verify the correctness of the aforesaid test or inspection certificates, or, the purchased materials shall be regularly tested and inspected either in the laboratory within the factory or in an outside laboratory or test house.
- (c) The sampling for inspection or tests to be carried out shall be based on a recorded investigation.
- (d) After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials for disposal of rejected materials.
- (e) Correct and adequate records in respect of the aforesaid controls shall be regularly and systematically maintained.
- (ii) **Process Control**—(a) Detailed process specifications for different processes of manufacture of raw materials, and intermediate products, if any, shall be laid down by the manufacturer along with the properties of the raw materials and intermediate products.
- (b) Equipments, instrumentation and facilities shall be adequate to control the processes as laid down in the process specifications.
- (c) Adequate records shall be maintained to enable verification of the controls exercised during the process of manufacture.
- (iii) **Product Control**—(a) The manufacturer shall either have his own adequate testing facilities or shall have access to such testing facilities to test the product as per the specifications recognised under section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).
- (b) A representative sample of at least 1 litre in volume shall be drawn from each batch of 200 litres. The bulk sample shall be divided into three equal test samples. One such test sample shall be tested by the manufacturer for the requirements of the product and the others preserved as referee samples along with their particulars.
- (c) Correct and adequate records in respect of sampling, and tests carried out shall be regularly and systematically maintained.
- (iv) **Packing Control**—A packing specification shall be laid down with a view to satisfying the controls mentioned in the Schedule to this notification for packing the aforesaid product and shall be rigidly implemented.
- (2) **Inspection**—The inspection of paints and allied products intended for export shall be carried out with a view to seeing that the controls mentioned in sub-rule (1) have been exercised at the relevant levels satisfactorily and the paint and allied products conform to the standard specifications applicable to it.
4. **Procedure of inspection**—(1) The exporter or manufacturer shall give intimation in writing to the Agency and submit along with such intimation a declaration that the consignment of paints and allied products has been manufactured by exercising quality control measures as per controls referred to in rule 3 and that the consignment conforms to the requirements of the specifications recognised for this purpose.
- (2) The exporter or manufacturer shall also furnish to the Agency the identification marks applied on the consignment.
- (3) Every intimation and declaration under sub-rule (1) shall be given not less than fifteen days prior to the despatch of the consignment from the manufacturer's premises.
- (4) On receipt of the intimation and declaration under sub-rule (1), the Agency on satisfying itself that during the process of manufacture, the manufacturer had exercised adequate quality controls to manufacture the paints and allied products according to the controls mentioned in rule (3) shall, within three days of carrying out the inspection, issue certificate declaring the consignment as export-worthy.
5. **Place of inspection**—Every inspection under these rules shall be carried out at the premises of the manufacturer.
6. **Inspection fee**—Subject to a minimum of Rs. 20 for each consignment, a fee at the rate of 50 paise for every one hundred rupees of F.O.B. value of each such

consignment shall be paid by the exporter to the Agency as fee for inspection under these rules.

7. **Appeal.**—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (4) of rule 4 may, within ten days of receipt of the communication of such refusal by him, prefer an appeal to a panel of experts, consisting of not less than three persons appointed for the purpose by the Central Government.

(2) The decision of the said panel of experts on such appeal shall be final.

THE SCHEDULE

(1) Each consignment of paint and allied products shall be tested for performance according to the table given below :—

PAINT AND ALLIED PRODUCTS

LEVELS OF CONTROL

Sl. No.	Requirement	Reference	No. of samples per batch of 200 litres.	Frequency	Remarks
1	Consistency	Standard specifications recognised for the purpose.	One	One per batch.	For all products.
2	Drying time (hard dry).	Do.	Do.	Do.	Do.
3	Finish	Do.	Do.	Do.	Do.
4	Weight per litre/gallon.	Do.	Do.	Do.	Do.
5	Colour	Do.	Do.	Do.	Do.
6	Scratch hardness	Do.	Do.	Do.	Do.
7	Flexibility and adhesion.	Do.	Do.	Do.	Do.
8	Acid value/Acidity	Do.	Do.	Do.	For varnishes.
9	Alkalinity	Do.	Do.	Do.	For plastic emulsion paints.
10	Electric strength at 90°C.	Do.	Do.	Do.	For baking type insulating varnishes.
11	Electric strength at 20°C in damp atmosphere.	Do.	Do.	Every fifth batch	For insulating varnishes, all types.
12	Resistance to corrosion.	Do.	Do.	Do.	For primers, all types.
13	Leaching rate test	Do.	Do.	Do.	For marine finishing paints.
14	Toxicant availability test.	Do.	Do.	Do.	Do.
15	Volatile matter	Do.	Do.	Do.	For varnishes, Lacquers and plastic emulsion paints.
16	Ageing	Do.	Do.	Do.	For insulating varnishes.
17	Effect of oil	Do.	Do.	Do.	Do.
18	Flash point	Do.	Do.	Do.	Do.
19	Spreading capacity	Do.	Do.	Do.	Do.
20	Other tests	Do.	Do.	Do.	As agreed upon between the buyer and the exporter.

NOTE. (1) Test frequency in the requirements for every fifth batch recommended in the above table, shall be subject to the stipulation that the constituents used in the formulation of paints and allied products and the composition of the final product in all successive 5 batches shall be the same in all respects.

(2) For the purpose of sampling, the paint of one colour and type produced at a time shall constitute a batch.

(2) The requirements of the packing specifications shall be as given below:

- 2.1. The package and containers shall be well finished and have a good presentability.
- 2.2. The containers shall be leakproof and of sufficient strength to withstand handling during transit.
- 2.3. The inner containers within the package, shall be so packed as to avoid collisions amongst them.
- 2.4. The following information shall be given on each container or the label applied to it:
 - (a) Name of the manufacturer and recognised trade mark, if any
 - (b) Name and type of the material
 - (c) Colour
 - (d) Volume of the material in the container
 - (e) Batch number

[No. 60(128) Exp. Insp/65.]

S.O. 3881.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), and in supersession of the notification of the Government of India in the Ministry of Commerce, S.O. No. 483, dated 9th February, 1966, the Central Government hereby recognises the following Inspection Agencies for quality control and pre-shipment inspection of paints and allied products specified in the Schedule annexed to this notification prior to their export, namely:—

1. Export Inspection Agency, Cochin, 'Manohar Building' Mahatma Gandhi Road, Ernakulam-1.
2. Export Inspection Agency, Madras, 'World Trade Centre' 'Sire Mansion', 123, Mount Road, Madras-6.
3. Export Inspection Agency, Calcutta, 'World Trade Centre' 14/1-B, Ezra Street (7th floor), Calcutta-1.
4. Export Inspection Agency, Bombay, 'Harchandrai House' (1st floor), 81, Queens Road, Bombay-2.
5. Export Inspection Agency, Delhi, c/o Director (Quality Control), Ministry of Commerce, Udyog Bhavan, (Room No. 116), New Delhi-11.

THE SCHEDULE

1. Ready mixed paints and enamels of all types, namely, primers, under-coating and finishing.
2. Varnishes (prepared from natural resins or synthetic resins or both) used for under-coating and finishing or for electrical insulation.
3. Plastic emulsion paints, prepared from dispersion or emulsion of synthetic resins in water with other ingredients.
4. Nitro-cellulose lacquers, clear or pigmented, meant for under-coating or finishing.

[No. 60(128)Exp. Insp/65.]

A. C. BANERJEE, Jt. Secy.

